



March 15, 2018

Mr. Walter Downing
7020 S. Tucson Way
Centennial, CO 80112

Dear Mr. Downing:

This is in response to your U.S. General Services Administration (GSA) Freedom of Information Act (FOIA) request (GSA-2018-000326), dated December 11, 2017, and FOIA request (GSA-2018-000761), dated February 13, 2018, in which you requested the following:

"Pursuant to 40 USC 3133 and 3132 and FOIA, I hereby request a copy of the above referenced contract between the GSA and Primestar and a copy of any payment bond or alternative payment protections (see FAR 28.102-1) required of and received from the contractor for this contract. A copy of the required affidavit of non-payment is attached; and

1. Any and all documents pertaining to the GSA's decision to require or not require a payment bond or other alternative payment protections provided for in the Federal Acquisition Regulations Part 28 when awarding the contract to Primestar. 2. Copy of the solicitation of offers for the above contract."

Enclosed please find the documents responsive to your request. The enclosed documents consist of the award to Primestar Construction Corporation (Primestar), the solicitation and all amendments to offers for the above contract.

GSA has redacted Primestar's technical proposal, pricing and DUN's number under the provisions of FOIA's fourth statutory exemption (5 U.S.C. 552(b)(4)), which permits an agency to withhold "trade secrets or commercial or financial information that is confidential or privileged."

Also, GSA has redacted signatures under the provisions of FOIA's sixth statutory exemption (5 U.S.C. 552(b)(6)), which permits an agency to withhold "personnel and medical files and similar files", the disclosure of which "would constitute a clearly unwarranted invasion of personal privacy."

You also requested, "Any and all documents pertaining to the GSA's decision to require or not require a payment bond or other alternative payment protections provided for in

the Federal Acquisition Regulations Part 28 when awarding the contract to Primestar." GSA does not have any documentation regarding the fact that a payment bond or other alternative payment provisions were not required. Contract Number GS-07-P-15-JU-D-7003 for Operation and Maintenance Services in El Paso, Texas between GSA and Primestar Construction Corporation was a services contract which did not require the submission of performance and payment bonds in accordance with FAR 28.103-1(a).

Based on the above information, this constitutes partial denial of your request. You have the right to appeal the denial of the information being withheld. As such, you may administratively submit your appeal online via (<https://foiaonline.regulations.gov/foia/action/public/home>) or by writing to U.S. General Services Administration at the address shown below. Your appeal must be postmarked or electronically transmitted within 120 days of the date of the response to your request.

U.S. General Services Administration
FOIA Requester Service Center (H1F)
1800 F St. NW, Room 7308
Washington, DC 20405

Your appeal must be in writing and should contain a brief statement of the reasons why the withheld information should be released. Enclose a copy of your initial request and this partial denial. Both the appeal letter and envelope should be marked prominently, "Freedom of Information Act Appeal."

This completes our action on this FOIA request. Should you have further questions, please feel free to contact Mr. Matthew Phillips at 817-978-0295 or by email at matthew.phillips@gsa.gov. You may also contact the GSA FOIA Public Liaison, Ms. Audrey Brooks, at 202-205-5912 or by email at audrey.brooks@gsa.gov for any additional assistance and to discuss any aspect of your FOIA request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, or by e-mail at ogis@nara.gov or by telephone at 202-741-5770 or our toll free number 1-877-684-6448 or facsimile at 202-741-5769.

Sincerely,

Travis S. Lewis

Director
Office of FOIA & Records Management
Office of Administrative Services
General Services Administration

Enclosures